

REMARKS

Claims 1, 4-9, 65-83 and are pending.

Section 112 Rejections

- 5 The specification has been amended to properly identify trademarks and claims 2-3 have been withdrawn.

Section 103 Rejections

- 10 **I. The Williams reference does not suggest or provide any motivation to use an anti-inflammatory.**

- 15 Nowhere in the Williams reference is there any suggestion or motivation to use ketoprofen. Specifically, paragraph [0146] states,

20 "Examples of local anesthetics suitable for use with the invention include sodium-channel blockers. Examples of sodium-channel blockers include, but are not limited to, ambucaine, amolanone, amylcaine, benoxinate, benzocaine, betoxycaine, biphenamine, bupivacaine, butacaine, butamben, butanilcaine, butethamine, butoxycaine, carticaine, chloroprocaine, cocaethylene, cocaine, cyclomethycaine, dibucaine, dimethisoquin, dimethocaine, diperodon, dyclonine, ecogonidine, ecogonine, euprocin, fenalcomine, formocaine, hexylcaine, hydroxytetracaine, isobutyl p-aminobenzoate, leucinocaine, levoxadrol, lidocaine, mepivacaine, meprylcaine, metabutoxycaine, methyl chloride, myrtecaine, naepaine, octacaine, orthocaine, oxethazaine, parentroxycaine, phenacaine, phenol, piperocaine, piridocaine, polidocanol, pramoxine, prilocaine, procaine, propanocaine, proparacaine, propipocaine, propoxycaine, pseudococaine, pyrrocaine, ropivacaine, salicyl alcohol, tetracaine, tolycaine, trimecaine, zolamine, or pharmaceutically-acceptable salts thereof, or mixtures thereof. Preferred sodium-channel blockers, include lidocaine, procaine, bupivacaine, prilocaine, mepivacaine, etidocaine, ropivacaine, dibucaine, and pharmaceutically-acceptable salts thereof and mixtures thereof. The most preferred local anesthetic is lidocaine and pharmaceutically acceptable salts thereof."

35

Docket 149-001
10/233,224

40

The detailed description then goes on to state in paragraph [0151]

45

"Other agents with local-anesthetic properties include analgesics.....Examples of non-narcotic analgesics with local-aesthetic properties include,... ketoprofen".

50

This is merely a description of non-narcotic analgesics. There is no suggestion or motivation to utilize an anti-inflammatory and in particular ketoprofen and in fact the Williams references teaches away from their use, instead suggesting the laundry list of sodium channel blockers that does not include ketoprofen or any anti-inflammatory as in the present invention.

55

II. The Murdock reference also teaches away from the use of ketoprofen and gabapentin.

60

Williams teaches directly away from the present invention, stating (column 35, lines 4-8) "Although some patients appear to derive some benefit from a combination of transdermally administered ketoprofen, gabapentin, and piroxicam, the effect appears to be relatively weak compared to the effect provided by doxepin." This is in direct contradiction to the present invention and teaches away from the present invention. Further there would be no suggestion or motivation to combine the Murdock reference with the Wolicki reference as in the present invention.

65

It is also worth noting that the Williams reference fails to even mention the use of ketamine in the laundry list of provided compositions.

Docket 149-001
10/233,224

70 CONCLUSION

Reconsideration and withdrawal of the Office Action with respect to Claims 1-9 and 65-67 is requested. It is respectfully submitted that newly added claims 68-83 are allowable.

75

In the event the examiner wishes to discuss any aspect of this response, please contact the attorney at the telephone number identified below.

Respectfully submitted,

80

By:



Jennifer Meredith
Attorney Registration No. 47,790

85

Meredith & Keyhani, PLLC
330 Madison Avenue
6th Floor
New York, New York 10017
(212) 760-0098
(212) 202-3819 fax
www.meredithkeyhani.com

I hereby certify that this correspondence (amendment and response – 8 pages, complete list of claims – 4 pages, marked up paragraphs of specification- 3 pages) is being sent via facsimile to the United States Patent and Trademark Office at 571-273-8300,

on April 11, 2006


Jennifer Meredith, Registration No. 47,790